

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KENNEDY LEWIS, JR.,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

1:04CV643

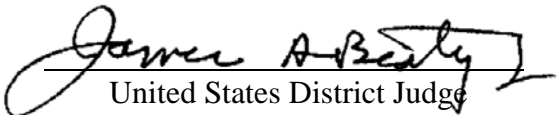
JUDGMENT

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on August 18, 2005, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's Motion for Summary Judgment [Document # 12] is GRANTED, that the Commissioner's Motion for Judgment on the Pleadings [Document # 14] is DENIED, that the Commissioner's decision is REVERSED, and that this action is REMANDED to the Commissioner under 42 U.S.C. § 405(g) for proceedings consistent with the Magistrate Judge's Recommendation. To the extent that Plaintiff seeks an immediate award of benefits by this Court, that request is DENIED.

This, the 28th day of September, 2005.


United States District Judge